

Agenda Item A11	Committee Date 13 November 2017	Application Number 17/01156/FUL
Application Site 81 - 83 Ullswater Road And 2 Rydal Road Lancaster Lancashire LA1 3PT		Proposal Change of use from a mixed use comprising retail and an associated residential dwelling to a retail unit (A1), 2 bed dwelling (C3) and a house in multiple occupation (C4), and replacement of timber windows with uPVC windows
Name of Applicant Mr Tariq Malik		Name of Agent Mr Bruce Robinson
Decision Target Date 9 November 2017		Reason For Delay Committee Cycle
Case Officer		Ms Charlotte Seward
Departure		No
Summary of Recommendation		Approval

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Tim Hamilton-Cox for the application to be reported to the Planning Committee on the basis that the proposal seeks to deliver student accommodation in a residential area that should be focused on the city centre instead.

1.0 The Site and its Surroundings

- 1.1 The application site falls across three address points - 81 and 83 Ullswater Road and 2 Rydal Road – as it is located on the corner of these 2 roads. The site is situated within an established residential area of Lancaster known as Freehold, which is in a reasonable walking distance of Lancaster city centre for services and shops. Primary and secondary schools, hospitals, open space and a university are all within 1km of the site. There is unrestricted parking on both roads.
- 1.2 Since the late 1960s the properties together have been used as a chemist/shop/post office (shop), and for living accommodation in association with this use. 81 Ullswater Road is the location of the currently vacant shop use, which is understood to last been used for a post office, which spreads out into the ground floor of 83 Ullswater Road. There is living accommodation on the first floor of 83 Ullswater Road, which is internally linked to the shop. There is a 6 bed living accommodation at 2 Rydal Road (and the upper floors of 81 Ullswater Road). This has a link to the shop via an internal door, but the 2 uses can operate separately. The yard at the rear of 81 and 83 Ullswater Road has been delineated such that it currently serves 2 Rydal Road. Currently the shop is vacant, as is the living accommodation at 83 Ullswater Road. Only 2 Rydal Road is currently being utilised.

2.0 The Proposal

- 2.1 The application seeks to formally subdivide the existing single planning unit into 3: a shop; a house and a house in multiple occupation. Only limited external alterations are proposed. This proposal would be achieved by the following:

- Formation of a reduced (29sq.m) shop unit (A1 use) on the ground floor of 81 Ullswater Road by separating it from 2 Rydal Road and 83 Ullswater Road. The shop would have no associated living accommodation as a result, but would be served by a toilet and kitchenette;
- Creation of a 6-bed house in multiple occupation (C4) by separating it from 81 and 83 Ullswater Road but over-sailing the shop unit at no.81;
- Creation of 83 Ullswater Road into a 2-bed house (C3) which is separate from the shop unit at 81 Ullswater Road and the house in multiple occupation at 2 Rydal Road;
- Subdivision of the rear yard to create a small amenity space for both 81 and 83 Ullswater Road. Provision will be made for covered cycle storage, a shed and bin storage; and
- Replacement of timber windows with uPVC windows

3.0 Site History

- 3.1 81 Ullswater Road and 2 Rydal Road originally formed the shop and the associated living accommodation. The earliest permission which has been located for this address is for a new shop frontage in 1966. Subsequent to this, in 1968 permission was granted to extend the shop at 81 Ullswater Road into the ground floor of 83 Ullswater Road, retaining living accommodation at the first floor.
- 3.2 Further extensions to the shop were permitted in 1974. An application encompassing the whole site (all three addresses) sought to further extend the dispensary and storage in association with the chemist further into the living accommodation. No plans are held in relation to this application and as such it is not possible to determine whether this was into the living accommodation at 2 Rydal Road or 83 Ullswater Road.
- 3.3 A recently withdrawn application proposed to extend the living accommodation at the 2 Rydal Road into the shop at 81 Ullswater Road, creating an 8 bed dwelling for student accommodation and resulting in the loss of the shop use, whilst utilising 83 Ullswater Road as a separate house in multiple occupation for student accommodation. This application was withdrawn following advice that the application would likely have been recommended for refusal on grounds of the loss of the shop use without any evidence to demonstrate that the community facility is no longer needed and or viable, lack of information in relation to the need for student accommodation and the failure for the 8 bed house to meet appropriate standard of accommodation. With the exception of this recent application, there is no known planning history between the 1970s and current date for the three properties under consideration.

Application Number	Proposal	Decision
2/1/2330 (1966)	New shop front (81 Ullswater Road)	Permitted
2/1/2841(1968)	Conversion of ground floor front room for use as a dispensary in connection with the adjoining chemist shop (83 Ullswater Road)	Permitted
1/74/238	Use of living room and back kitchen as extension to the existing dispensary and the use of 2 upstairs bedrooms for extension to existing stockrooms at 81-83 Ullswater Road, Lancaster (NB: The application site included 2 Rydal Road, 81 and 83 Ullswater Road)	Permitted
17/00840/FUL	Change of use from a mixed use comprising retail and associated residential dwelling to student accommodation comprising one 3 bed property (C4) and one 8 Bed property (sui generis)	Withdrawn

4.0 Consultation Responses

- 4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
County Highways	No objections subject to a condition to require the agreement of details of the proposed cycle storage and its implementation in full.

Planning and Housing Policy Team (LCC)	Accords with Policy DM44 of the Development Management DPD and the relevant Appendix for standard of accommodation.
Environmental Health (LCC)	No comments received at the time of writing.
City Contract Service (LCC)	No comments received at the time of writing.

5.0 Neighbour Representations

5.1 One letter of objection has been received. The material planning considerations raised are in relation to car parking provision, over supply of student accommodation and a desire for the properties to be used as family homes. Two letters of concern has been received by two Councillors, with one requesting that the application be considered at Committee.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

- Paragraphs 7, 14 and 17: Sustainable Development and Core Principles
- Paragraphs 49: Presumption in favour of sustainable development for housing development
- Paragraphs 32: Access and Transport
- Paragraphs 56, 63-65: Good design

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above

6.3 Lancaster District Core Strategy (adopted July 2008)

- SC1: Sustainable Development
- SC2: Urban Concentration
- SC4: Meeting the District's Housing Requirements
- SC5: Achieving Quality in Design

6.4 Development Management Development Plan Document (DM DPD)

- DM20: Enhancing Accessibility and Transport Linkages
- DM22: Vehicle Parking Provision
- DM35: Key Design Principles
- DM41: New Residential Dwellings
- DM44: Residential Conversions
- DM46: Accommodation for Students
- DM49: Local Services
- Appendix B: Car Parking Standards
- Appendix D: Purpose built and converted shared accommodation

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle
- Meeting housing need
- Standard of housing and impact on neighbouring residential amenity
- Highways impact
- External alterations

7.2 Principle of development

7.2.1 Policy seeks to direct housing development to sustainable locations. Policy SC2 of the Core Strategy seeks to direct 90% of all new dwellings within the existing urban area of Lancaster, Morecambe, Heysham and Carnforth.

7.2.2. This proposed conversion lies within an established residential part of Lancaster. The site is conveniently located to services which can be accessed on foot, and there are several bus stops located on Ullswater Road. The creation of a 2-bed house and 6-bed house in multiple occupation would be well related to services, shops and bus services. Given the location of this development within the urban centre, within an established residential area, within reasonable walking distance to services and open space, and having access to sustainable forms of transport, the development of this site for C3 housing is supported in principle, subject to other planning matters being acceptable. The matter of the C4 use is discussed in more detail below.

7.2.3 The currently vacant shop will be retained as part of the proposal, albeit with a reduced floor space. As there is no policy requirement to protect against the loss of a retail floor space unit outside of the protected retail frontage, the loss of a small amount of A1 floor space does not conflict with the local plan in this regard. Policy DM49 does protect local services, which includes local shops, but only from the loss of the use or building. Therefore the retention of this unit, albeit with a reduced floor area, is not contrary to policy.

7.3 Meeting Housing Need

7.3.1 The Lancaster District Strategic Market Housing Assessment identifies a clear outstanding need for housing in the district. Policy DM41 of the Development Management DPD requires that new residential development must provide an appropriate dwelling mix in accordance with the Lancaster District Housing Needs Survey or other robust evidence of local housing need.

7.3.2 This proposal would be contributing towards an overall outstanding housing need. The return of 83 Ullswater Road to a 2-bed terraced house would be directly meeting a need (size and type) identified in the Council's Housing Needs Survey. The creation of a 6 bed house in multiple occupation is also meeting a direct market need, namely for students.

7.3.3 Concern has been raised that the living accommodation will be used for student accommodation. The proposal does not specifically identify the proposed occupants of the property, but it does seek to create a house in multiple occupation (HMO - C4 use). A C4 use is not supported unless it meets an identified local housing need. The Council is aware of one such need within Lancaster is for students. With a university less than 1km away, the property is within a 10 to 15 minute walk of a

further education establishment. Therefore if this element is to be acceptable its occupancy must be controlled by condition. Whilst it is acknowledged that the existing building is being utilised in part as a 5-bed HMO, there is no lawful fallback position as the property is currently 1 planning unit in a mixed use with internal links between the different parts of the building. This application is formally applying for this separate C4 use and therefore it must comply with the local planning policies. The Ward Councillors want to see student accommodation focused on the city centre in line with emerging local planning policies, but as the new Local Plan is still in its pre-submission stage, the weight that can be applied to such emerging policy carries very limited weight.

7.4 Standard of housing and impact on neighbouring residential amenity

7.4.1 All new dwellings are required under Policy DM35 to be of a good design. This includes having an appropriate level of outlook, privacy and be free from overlooking or overshadowing. Appendix D is specific to the standards required for purposed built or shared accommodation. This includes space requirements and provision of facilities within each room. The creation of the house in multiple occupation at 2 Rydal Road has to meet these requirements.

7.4.2 The principle rooms at 83 Ullswater Road have an acceptable outlook, and the nature of the property as a historic terraced property, means that there is an appropriate level of privacy for the property. The kitchen window would not benefit from much direct sunlight, and the rear yard in part will be overshadowed by the proposed boundaries but it would not present an impact that was unduly adverse, especially given the urban grain of the area. The proposal includes dedicated bin storage and secure cycle storage. Subject to a conditions relating to bin and cycle storage, the proposed conversion of 83 Ullswater to a 2-bed house would provide an acceptable standard of accommodation.

7.4.3 The plans for 2 Rydal Road clearly show that the en-suite bedrooms are of the appropriate size and provide for all the facilities required. The shared facilities on the ground floor include a kitchen, dining room and living room, which are adequate for 6 people sharing. The outlook from the primary living spaces meets standards. Whilst the outlook from the kitchen window is at ground level and may be somewhat over shadowed the roof lights would compensate for this. The external amenity space is limited providing for bin space and a shed for 4 cycles. Overall the conversion at 2 Rydal Road has demonstrated that it meets the requirements of Appendix D providing an appropriate standard of accommodation, subject to a conditions relating to bin and cycle storage.

7.4.4 This proposal would amount to the retention of a shop, and the creation of one dwelling and the creation of one house in multiple occupation. Residential uses within this established residential part of Lancaster is considered to be appropriate to the context and would not amount to any adverse amenity impacts on the neighbouring properties. The formation of a shop would have little change on the area given that a slightly larger A1 unit already exists within the existing building. Therefore the change to the character and amenity of the area would be limited.

7.4.5 The relationship of the two houses to the retained shop would also be considered acceptable. The shop is currently vacant. However, it could be used for uses that fall within use class A1 without any restriction on opening hours etc. The scale of the shop unit together with the nature of uses that fall within this class tend to be suitable in residential areas and as such are unlikely to promote any amenity concerns. The current permitted development order does allow for changes from this permitted use, however any change to a restaurant or café, or to assembly and leisure use must go through the prior approval process which would enable assessment of any impacts relating to noise/odour/waste/opening hours and therefore would take into account the impact on the residential accommodation at that point. In summary it is considered that the A1 use would not adversely affect the amenity of the proposed 2 residential units or the surrounding residential properties subject to controlling its hours of use and timing of its deliveries.

7.5 Highways Impact

7.5.1 The proposed location of the residential units meets Development Management Policy DM20 as it is located within convenient access for walking and cycling to service provision, and access to public transport. Policy DM22 and Appendix A of the Development Management DPD require a maximum of 2 car parking spaces for a 2/3 bed dwelling, and 3 parking spaces for a 4 bed plus dwelling. This proposal makes no provision for parking within the application site. There is, however, unrestricted parking on sections of Rydal Road and Ullswater Road.

7.5.2 County Highway has raised no objection to the lack of parking nor for the use of any of the surrounding highway network for parking. Whilst it is acknowledged that the unrestricted parking is well used, in reality this proposal, whilst it is formalising the separation of the two houses and the shop, the parking generated by the existing living accommodation at 83 Ullswater Road and 2 Rydal Road would not materially change. Whilst there is no formal parking provision as part of this proposal, the proximity of the location to public transport options and services accessible by foot, means that on balance this is a location where no parking provision can be considered to be acceptable. Likewise the retail unit is accessible on foot to a significant local population.

7.5.3 Provision is made for secure cycle storage at the rear of both properties. For 81 Ullswater Road the provision of 2 cycle spaces can be considered acceptable. The provision of 4 cycle spaces for 2 Rydal Road is two less than the required standard as set out in Appendix D, but County Highways has not objected to this level of provision. Subject to a condition requiring the agreement of final details of the storage and its implementation by an appropriate timescale the provision of secure, covered cycle storage can be considered acceptable.

7.6 External Alterations

7.6.1 The existing building at 83 Ullswater Road already has the external appearance of a separate dwelling. This application will essentially result in the return of this property to its original intended use. 2 Rydal Road is also already used as a 6 bed dwelling and has the external appearance of a dwelling. In addition the existing shop has an attractive shop frontage, although it is in need of some maintenance.

7.6.2 The proposed changes are limited to replacement windows. Currently the property has attractive timber sash windows which add to quality of the appearance and character of the property. It is recognised that these look like they require maintenance. The proposal seeks to replace with uPVC windows which are of a similar appearance. This site is not within a Conservation Area, it is not a Listed building and within the immediate context there are a range of window types and material. In this case to require the retention of timber window would be difficult to argue. Furthermore, given that 2 Rydal Road and 83 Ullswater Road would benefit from permitted development rights once the development is implemented, to prevent the use of uPVC would require permitted development rights being removed. In this case, it is considered that the quality of the windows could be adequately controlled by a condition requiring details to be agreed prior to installation.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application as the proposal falls below the threshold for affordable housing provision or contributions.

9.0 Conclusions

9.1 The proposed development would positively retain a self-contained shop to serve the residential area of Freehold, and create an independent 2-bed terraced house and a separate 6-bed house in multiple occupation. Both residential units would provide accommodation that meets local needs, be of an appropriate standard and is in a location that can be considered sustainable. The proposal would make limited acceptable external changes and would not have an adverse impact on neighbouring residential amenity. It is considered that issues of occupancy, window details, bin and cycle storage, and hours of opening and deliveries can be adequately controlled by condition of any permission granted. On this basis the application should be supported.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Development to accord with approved plans
3. Secure and covered cycle storage to be submitted and agreed, and implemented in full prior to occupation and retained at all times
4. Details of windows and doors to be agreed
5. Bin storage to be provided in full and retained at all times

6. Student occupancy condition for the C4 use
7. Hours of use and deliveries to the retail unit

Article 35. Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/Guidance.

Background Papers

None